

Message Text

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ACTION NEA-10

INFO OCT-01 IO-13 ISO-00 AGRE-00 DODE-00 HEW-06 AID-05

MED-03 L-03 DEAE-00 CIAE-00 INR-07 JUSE-00

NSAE-00 SNM-02 TRSE-00 USIA-15 NSC-05 OES-06

OMB-01 /077 W

-----060554Z 076535 /15

R 050858Z APR 77

FM AMEMBASSY DACCA

TO SECSTATE WASHDC 4118

INFO AMEMBASSY ISLAMABAD

USMISSION GENEVA

UNCLAS DACCA 1755

E.O. 11652 : N/A

TAGS : SNAR, BG

SUBJECT : BANGLADESH LAW ON MARIJUANA

REF : A) STATE 57055; B) DACCA 1567; C) ISLAMABAD 2865

1. FORMER BANGLADESH ATTORNEY GENERAL SYED ISHTIAQ AHMED HAS PROVIDED EMBASSY WITH ADDITIONAL INFORMATION ON BANGLADESH LAW PERTAINING TO POSSESSION AND TRAFFICKING IN MARIJUANA.

2. REFTEL (B) STATED (ON BASIS OF INFORMATION FROM ANOTHER SENIOR LAWYER) THAT CANNABIS DRUGS WERE NOT REPEAT NOT COVERED UNDER ACT II OF 1930 (CENTRAL LEGISLATURE), DESCRIBED AS THE "DANGEROUS DRUGS ACT OF 1930". (THE ACT AS IT APPLIED TO PAKISTAN IS CONTAINED IN VOLUME VIII, PAKISTAN CODES, AS MODIFIED UP TO MAY 15, 1966.) THIS IS ONLY PARTIALLY CORRECT. SECTION 2 OF THE ACT REFERS, INTER ALIA, TO "COCA DERIVATIVE", "HEMP" (CANNABIS SATIVA L.), AND "OPIUM DERIVATIVE" AND DESCRIBES, IN SUB-SECTION (H) A "DANGEROUS DRUG" AS "COCA LEAF, HEMP AND OPIUM, AND ALL MANUFACTURED DRUGS". LOCAL NAMES FOR HEMP ARE GIVEN AS "BHANG, SIDDHI OR GANJA".

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3. HOWEVER, CHAPTER II (PROHIBITION AND CONTROL) AND CHAPTER III (OFFENSES AND PENALTIES) REFER ONLY TO COCA AND OPIUM AND THEIR DERIVATIVES, AND DO NOT MENTION CANNABIS. AHMED POINTS OUT THAT WHILE THE ACT DESCRIBES CANNABIS AS A "DANGEROUS DRUG" IT IS SILENT ON OFFENSES AND PENALTIES FORNI POSS

SSION AND TRAFFICKING IN THIS DRUG. THE 1975 AMEND-
MENT IN PAKISTAN (REFTEL C) OF COURSE DOES NOT APPLY TO
BANGLADESH AS IT WAS PASSED AFTER THE SEPARATION OF THE
EASTERN WING. BANGLADESH ITSELF HAS NOT AMENDED THE
1930 ACT.

4. ALSO APPLICABLE HERE IS BENGAL ACT V OF 1909, THE BENGAL
EXCISE ACT (EXTENDED TO SYLHET IN 1950).IT PERTAINS, INTER
ALIA, TO "INTOXICATING DRUGS" WHICH INCLUDES CANNABIS AND
ITS MANUFACTURED FORMS (E.G. CHARAS). THE ACT PROHIBITS
CULTIVATION, COLLECTION, MANUFACTURE, (SECTION 13), POSSE-
SSION (SECTION 18) OR SALE (SECTION 20) EXCEPT UNDER RULES
PRESCRIBED BY THE GOVERNMENT. MAXIMUM PENALTY (SECTION 46)
FOR VIOLATION IS SIX MONTHS IMPRISONMENT, A FINE OF ONE
THOUSAND RUPEES (READ NOW "TAKA") OR BOTH.

5. HOWEVER, AHMAD AGREED WITH OUR EARLIER SOURCES THAT ARRESTS
ARE NOT MADE AND LAWS ARE NOT REGOROUSLY ENFORCED.
MASTERS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, MARIJUANA
Control Number: n/a
Copy: SINGLE
Sent Date: 05-Apr-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977DACCA01755
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770119-0407
Format: TEL
From: DACCA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770488/aaaacyot.tel
Line Count: 81
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2228efa9-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 57055, 77 DACCA 1567, 77 ISLAMABAD 2865
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2897321
Secure: OPEN
Status: NATIVE
Subject: BANGLADESH LAW ON MARIJUANA
TAGS: SNAR, BG
To: STATE
Type: TE
vdkgvwkey: odbs://SAS/SAS.dbo.SAS_Docs/2228efa9-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009